

RECEIVED
DEC 13 2011
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

FILED

DEC 13 2011

DAVID CREWS, CLERK
BY 

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

KATHY K. SPENCER

PLAINTIFF

VS.

CIVIL ACTION NO: 2:11CV243-M-A

**SPENCER ENTERPRISES, INC.
d/b/a ASHLEY FURNITURE HOME
STORE and CHUCK HADLEY, INDIVIDUALLY**

DEFENDANTS

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual and punitive damages and specific relief for race, sex, and age discrimination suffered by the Plaintiff. Additionally, supplemental state law claims are made. The following facts support the action:

1. Plaintiff, Kathy K. Spencer, is an adult resident citizen of the State of Mississippi, County of DeSoto.
2. Defendant Spencer Enterprises, Inc. d/b/a Ashley Furniture Home Store is a Mississippi corporation duly licensed to do business in the state of Mississippi and may be served with process through its registered agent, Robert C. Hardin at 263 Jamie Whitten Blvd., Saltillo, MS 38806.
3. Defendant Chuck Hadley is an adult resident of the state of Mississippi. He may be served with process at 4877 Green Pasture Drive, Olive Branch, MS 38654.

4. Plaintiff filed the EEOC charge dated June 16, 2011, a copy of which is attached hereto as "Exhibit A". She has received a right to sue letter, which was mailed on September 15, 2011 and is attached hereto as "Exhibit B". The factual allegations made in the EEOC charge are hereby fully incorporated into this Complaint by reference just as if they had been set forth in this Complaint itself.
5. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and civil rights jurisdiction under 28 U.S.C. § 1333 for a claim arising under Title VII of the Civil Rights Act of 1964, arising under 42 U.S.C. § 1981, and arising under the Fourteenth Amendment to the United States Constitution. The Court has supplemental jurisdiction over the Plaintiffs' state law claims. This action is authorized by 42 U.S.C. § 1983, and is authorized by the Constitution of the United States.
6. From November 2008, Plaintiff served as Sales Associate at the Ashley Furniture store located in Southaven, Mississippi. Ms. Spencer is a Caucasian female over fifty (50) years of age.
7. Ms. Spencer has suffered discrimination because of her race, sex, and gender because she was wrongfully terminated from her employment.
8. Ms. Spencer was advised on March 21, 2011, by Defendant Chuck Hadley that she was being terminated from her employment as a Sales Associate because of alleged workplace misconduct.
9. Ms. Spencer alleges that she has been wrongfully terminated and in support thereof would show that normal and accepted practice in this workplace was not to terminate employees accused of workplace misconduct, but, rather, to

reprimand the employee for a first violation and/or to transfer the employee for repeated violations.

10. Ms. Spencer would show that she is specifically aware of a black male younger than she being accused of workplace misconduct on at least three (3) prior occasions and that said employee was not terminated from his employment.

11. The actions of Spencer Enterprises, Inc., through its employee, Chuck Hadley are in violation of Ms. Spencer's civil rights as a direct result of discriminatory motives as they concern her race, age, and sex.

12. While there is no requirement that Plaintiff state any legal theories in her Complaint, Plaintiff states the following legal theories:

- a. Plaintiff has been discriminated against, because of her race, sex, and age in violation of 42 U.S.C. § 1981, in violation of the Civil Rights Act of 1964, and in violation of the equal protection clause of the United States Constitution of Amendment Fourteen.
- b. Plaintiff has been discriminated against and has been terminated because of her race, sex, and age.

13. Mr. Hadley has also maliciously interfered with Plaintiff's employment because he has caused Ms. Spencer to be terminated from her position as Sales Associate.

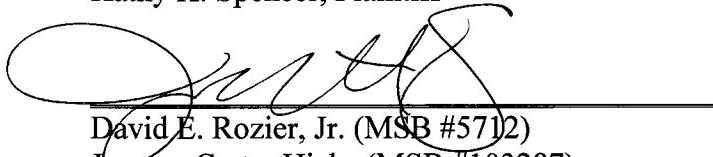
14. Plaintiff has suffered lost income, loss of wage earning capacity, mental anxiety, stress, costs, expenses and fees, including attorney's fees, as a result of Defendants' actions.

PRAYER FOR RELIEF

Plaintiff prays for actual and punitive damages against the individual Defendant and actual and punitive damages against the corporate Defendant in an amount to be determined by a jury. Plaintiff additionally prays for reinstatement, for attorneys' fees, and for any other and further relief to which she may be entitled.

Respectfully submitted, this the 13th day of December, 2011.

Kathy K. Spencer, Plaintiff



David E. Rozier, Jr. (MSB #5712)
Jenessa Carter Hicks (MSB #103287)

Of Counsel:

Rozier Hayes, PLLC
2091 Old Taylor Road, Ste. 102
PO Box 2388
Oxford, MS 38655
Telephone: 662.234.0065
Facsimile: 662.234.3007